

SANDERS LAW, PLLC
Douglas H. Sanders, Esq. (0090012)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Telephone: (516) 203-7600
Facsimile: (516) 281-7601
dsanders@sanderslawpllc.com
Attorney for Plaintiff
Our File No.: 103134

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

National Photo Group, LLC,

Plaintiff,

vs.

Maverick Media LLC,

Defendant.

Case No. 3:13CV2009

Judge Jack Zouhary

**DECLARATION OF DOUGLAS
H. SANDERS IN RESPONSE TO
ORDER TO SHOW CAUSE**

1. I am a partner with the law firm of Sanders Law, PLLC, and am counsel for the Plaintiff, National Photo Group, LLC (“Plaintiff”), in this matter.
2. I have personal knowledge of the facts set forth in this Declaration, and would testify as to them in a court of law if required to do so.
3. I respectfully submit this Declaration in response to this Court’s Order to Show Cause, dated January 23, 2014 [Docket No. 3] and respectfully request that this Court extend the time within which Plaintiff may serve Defendant and file proof of service for a period not to exceed 30 days, and for any further relief that this Court deems appropriate.

4. Plaintiff commenced the instant action for copyright infringement on September 11, 2013. [Docket No. 1]. Thus, the expiration date of the time for service under Fed. R. Civ. P. 4(m) was January 9, 2014.
5. Due to an office calendaring error, Plaintiff's counsel's office incorrectly noted the date for expiration of time for service and consequently did not seek an extension prior to the expiration of the 120 days for service.
6. Fed. R. Civ. P. 4(m) provides a district court with discretion to extend the time for service of process even absent any showing of good cause. *See Henderson v. United States*, 517 U.S. 654, 658 n. 5 (1996); *Davidson v. Weltman*, 285 F.Supp.2d 1093, 1095 (S.D.Ohio, 2003); *Osborne v. First Union Nat'l Bank of Del.*, 217 F.R.D. 405, 406 (S.D.Ohio, 2003); *Vergis v. Grand Victoria Casino & Resort*, 199 F.R.D. 216, 217 (S.D.Ohio, 1999); *Stewart v. TVA*, No. 99-5723, 2000 LEXIS 29904, at *2 (6th Cir., November 21, 2000); *Horn v. Dept. of Defense*, No. C-3-97-550, 1999 LEXIS 21726 at *10 (S.D. Ohio, March 19, 1999).
7. In light of the foregoing, it is respectfully requested that this Court extend the time within which Plaintiff may serve Defendant and file proof of service for a period not to exceed 30 days, and for any further relief this Court deems appropriate.

WHEREFORE, Plaintiff requests that this Court extend the time within which Plaintiff may Serve Defendant with the Summons and Complaint and file proof of service for a period not to exceed 30 days, and for any further relief this Court deems appropriate.

Dated: January 28, 2014

Respectfully submitted,
SANDERS LAW PLLC

By: /s/ Douglas H. Sanders
Douglas H. Sanders, Esq. (0090012)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Telephone: (516) 203-7600
Facsimile: (516) 281-7601
dsanders@sanderslawpllc.com
Attorney for Plaintiff
Our File No.: 103134

Certificate of Service

I hereby certify that on January 28, 2014, a copy of foregoing Declaration of Douglas H. Sanders in Response to Order to Show Cause was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Douglas H. Sanders
Douglas H. Sanders, Esq. (0090012)
100 Garden City Plaza, Suite 500
Garden City, NY 11530
Telephone: (516) 203-7600
Facsimile: (516) 281-7601
dsanders@sanderslawpllc.com
Attorney for Plaintiff
Our File No.: 103134